

§ 202.3

12 CFR Ch. II (1–1–03 Edition)

of Puerto Rico, or any territory or possession of the United States.

[Reg. B, 50 FR 48026, Nov. 20, 1985, as amended at 54 FR 50485, Dec. 7, 1989]

§ 202.3 Limited exceptions for certain classes of transactions

(a) *Public utilities credit*—(1) *Definition*. Public utilities credit refers to extensions of credit that involve public utility services provided through pipe, wire, or other connected facilities, or radio or similar transmission (including extensions of such facilities), if the charges for service, delayed payment, and any discount for prompt payment are filed with or regulated by a government unit.

(2) *Exceptions*. The following provisions of this regulation do not apply to public utilities credit:

- (i) Section 202.5(d)(1) concerning information about marital status;
- (ii) Section 202.10 relating to furnishing of credit information; and
- (iii) Section 202.12(b) relating to record retention.

(b) *Securities credit*—(1) *Definition*. Securities credit refers to extensions of credit subject to regulation under section 7 of the Securities Exchange Act of 1934 or extensions of credit by a broker or dealer subject to regulation as a broker or dealer under the Securities Exchange Act of 1934.

(2) *Exceptions*. The following provisions of this regulation do not apply to securities credit:

- (i) Section 202.5(c) concerning information about a spouse or former spouse;
- (ii) Section 202.5(d)(1) concerning information about marital status;
- (iii) Section 202.5(d)(3) concerning information about the sex of an applicant;
- (iv) Section 202.7(b) relating to designation of name, but only to the extent necessary to prevent violation of rules regarding an account in which a broker or dealer has an interest, or rules necessitating the aggregation of accounts of spouses for the purpose of determining controlling interests, beneficial interests, beneficial ownership, or purchase limitations and restrictions;

(v) Section 202.7(c) relating to action concerning open-end accounts, but only

to the extent the action taken is on the basis of a change of name or marital status;

- (vi) Section 202.7(d) relating to the signature of a spouse or other person;
- (vii) Section 202.10 relating to furnishing of credit information; and
- (viii) Section 202.12(b) relating to record retention.

(c) *Incidental credit*. (1) *Definition*. Incidental credit refers to extensions of consumer credit other than credit of the types described in paragraphs (a) and (b) of this section:

- (i) That are not made pursuant to the terms of a credit card account;
- (ii) That are not subject to a finance charge (as defined in Regulation Z, 12 CFR 226.4); and
- (iii) That are not payable by agreement in more than four installments.

(2) *Exceptions*. The following provisions of this regulation do not apply to incidental credit:

- (i) Section 202.5(c) concerning information about a spouse or former spouse;
- (ii) Section 202.5(d)(1) concerning information about marital status;
- (iii) Section 202.5(d)(2) concerning information about income derived from alimony, child support, or separate maintenance payments;
- (iv) Section 202.5(d)(3) concerning information about the sex of an applicant, but only to the extent necessary for medical records or similar purposes;

- (v) Section 202.7(d) relating to the signature of a spouse or other person;
- (vi) Section 202.9 relating to notifications;
- (vii) Section 202.10 relating to furnishing of credit information; and
- (viii) Section 202.12(b) relating to record retention.

(d) *Government credit*—(1) *Definition*. Government credit refers to extensions of credit made to governments or governmental subdivisions, agencies, or instrumentalities.

(2) *Applicability of regulation*. Except for § 202.4, the general rule prohibiting discrimination on a prohibited basis, the requirements of this regulation do not apply to government credit.

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